

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

SEAN COLLINS,

Plaintiff,

vs.

SCOTT FRAKES, Director Nebraska
Correctional Department Services -
Individual and Official Capacity;
ROBERT MADSEN, Warden (Nebraska
State Penitentiary) - Individual and
Official Capacity; M. MARTINEZ,
Mental Health Practitioner (Nebraska
State Penitentiary) - Individual and
Official Capacity; J. CONROY, Unit 4
Manager (Nebraska State Penitentiary) -
Individual and Official Capacity; M.
JOHNSON, Case Manager (H66 PC)
Housing Unit 4 in Protect Custody -
Individual and Official Capacity; D.
PELOWSKI, Case Manager (Housing
Unit 6 Protective Custody) - Individual
and Official Capacity; M.
RODRIGUEZ, Case Worker (Housing
Unit 4 Protective Custody) - Individual
and Official Capacity; C. MORSE,
Corporal (D Gallery assigned rotation
for Protective Custody) - Individual and
Official Capacity; and M. REISDORFF,
Sergeant (Assigned in Housing Unit 4) -
Individual and Official Capacity;

Defendants.

8:18CV270

**MEMORANDUM
AND ORDER**

This matter is before the court on Plaintiff's correspondence dated September 18, 2018, which the court construes as a motion for summons ([filing no.](#)

[19](#)), and a motion for extension of time to file summons ([filing no. 20](#)). In his September 18, 2018 letter, Plaintiff asks the court to provide him with blank summons forms and also asks general questions about how service of the summons will be accomplished. ([Filing No. 19](#).) In his motion for an extension, Plaintiff asks the court for an additional six months to file summons for each of the Defendants with the court due to the amount of time it will take him to handwrite all the summons since the clerk of the court has not provided him with blank summons forms. ([Filing No. 20](#).)

The court advises Plaintiff that no service of process may take place in this case at this time. The court is required to review in forma pauperis complaints to determine whether summary dismissal is appropriate. *See* 28 U.S.C. § 1915(e)(2). The court must dismiss a complaint or any portion thereof that states a frivolous or malicious claim, that fails to state a claim upon which relief may be granted, or that seeks monetary relief from a defendant who is immune from such relief. 28 U.S.C. § 1915(e)(2)(B). The court has not yet conducted an initial review of Plaintiff's Complaint pursuant to § 1915(e). This matter may not proceed to service of process until after the court completes its review.¹ The court will conduct an initial review of Plaintiff's Complaint in its normal course of business. Accordingly,

IT IS ORDERED that Plaintiff's letter, construed as a motion for summons ([filing no. 19](#)), and Plaintiff's motion for extension of time ([filing no. 20](#)) are denied. The next step in Plaintiff's case is for the court to conduct an initial review of Plaintiff's claims to determine whether summary dismissal is appropriate under 28 U.S.C. § 1915(e)(2). The court will conduct this initial review in its normal course of business.

¹ If the court determines that Plaintiff's claims should proceed to service of process, the court will then address the question of when such service must be completed.

Dated this 22nd day of October, 2018.

BY THE COURT:

s/ Richard G. Kopf
Senior United States District Judge